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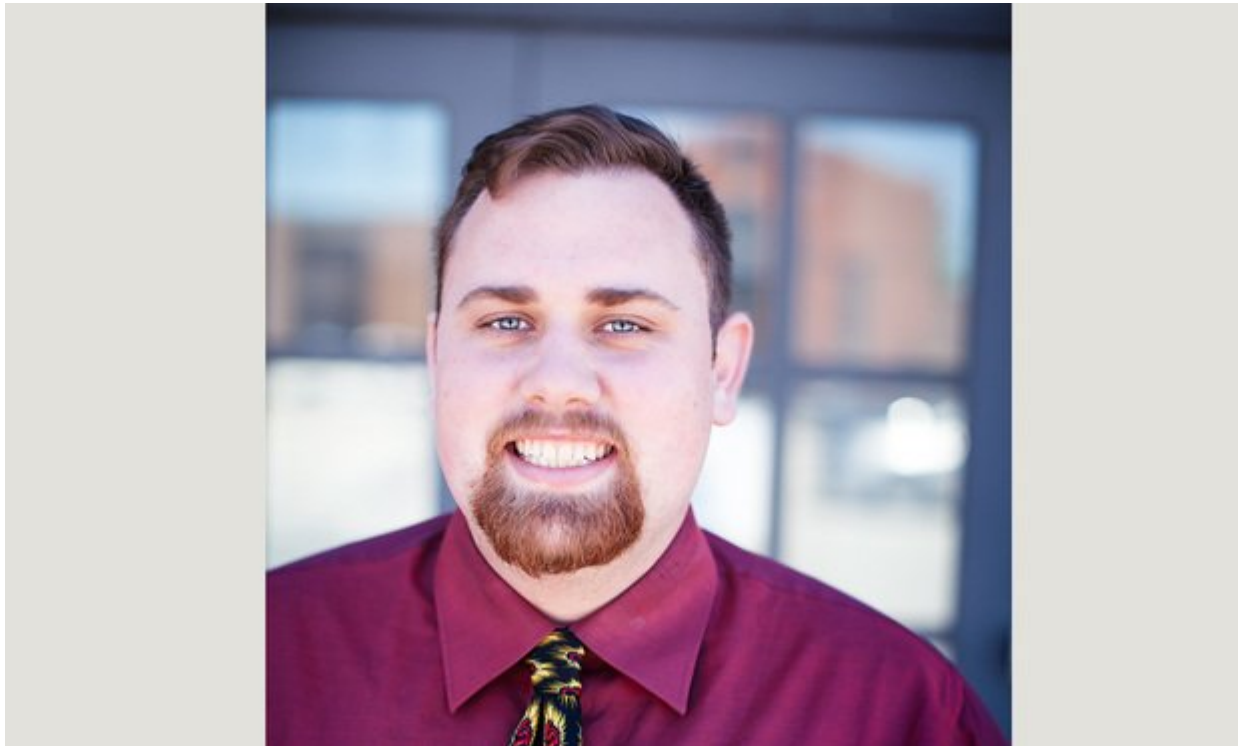
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Reimagining Criminal Justice: A New System Is Required for Police Accountability

A body such as the Citizens Review Board with additional powers could increase oversight of officers, says Thomas Johnson, a 2021 JD candidate at Golden Gate University School of Law.

By **Thomas Johnson** | December 02, 2020



Thomas Johnson, a 2021 JD candidate at Golden Gate University School of Law (Photo: Courtesy Photo)

The Recorder has collaborated with students enrolled in Reimagining Criminal Justice, a seminar at Golden Gate University School of Law, to publish this series of student writings. This next generation of lawyers explore a broad range of topics touching on criminal and racial justice, and provide their perspectives and voices on myriad proposals for building a better, more just, system.

In 1997 Daniel Mendoza was shot (<https://apnews.com/article/5c43b0319e71a38462fc642864514a72>) by an off duty Las Vegas Metro police officer. The officer who pulled the trigger had been drinking heavily and wanted to “harass dopers and bangers.” The officer in question fired into a group of people from the

passenger side of a vehicle. This officer was tried and convicted, which sounds like a success. However, when an officer is not stopped before killing a citizen without regard to whether there was a suspected crime, it highlights a problem of accountability.

There must have been signs that this officer was capable of this action before he pulled the trigger. State and local governments must put measures in place to catch this kind of individual before they become a police officer. While much has been done since 1997, namely the establishment of the Citizens Review Board, there still needs to be truly collaborative effort between citizens and police to make good policy and make sure that officers that are violating policy are punished.

The Las Vegas Metropolitan police department (LVMPD) is worth examining, because it has two key factors for making this conversation between police and citizens productive. First, LVMPD already has a Citizen Review Board ([//citizenreviewboard.com/History.aspx](http://citizenreviewboard.com/History.aspx)), which has some influence in policy and punishment of police officers. Second, The LVMPD has a lot of data to sift through after a Department of Justice investigation ([//www.justice.gov/opa/pr/departments-justice-completes-review-las-vegas-metropolitan-police-department-s-use-force](http://www.justice.gov/opa/pr/departments-justice-completes-review-las-vegas-metropolitan-police-department-s-use-force)) in 2011, a report ([//www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Documents/Use_of_Force_Statistical_Analysis_2013-2017_FINAL.PDF](http://www.lvmpd.com/en-us/InternalOversightConstitutionalPolicing/Documents/Use_of_Force_Statistical_Analysis_2013-2017_FINAL.PDF)) by the LVMPD following up five years after the DOJ investigation, and a Body Camera study ([//www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf](http://www.ncjrs.gov/pdffiles1/nij/grants/251416.pdf)) from 2018 by the National Criminal Justice Reference service.

To be clear, the LMVPD is not a bad police department currently. They are trying to encourage officer safety while reducing the amount of violence used in officer interactions. The police department has taken on policy changes they believe will help themselves and the communities they serve.

No doubt, many of the officers are well intentioned and moral people. Their current policies do not allow for chokeholds, require de-escalation and thorough documentation when force is used. The body cameras study found a drop in civilian complaints by 16% and a drop of use of force reports from officers by 11.5% during the year of implementation. The 2018 report by the LVMPD shows deadly force and non-deadly force are decreasing even as more police join the force. While this is promising, it's important to have structures in place to ensure that police are operating according to policy.

Clearly just the internal systems were not enough as the community in Las Vegas created the citizen's review board in 1997 and clearly those two programs were not enough since the DOJ investigated in 2011 after an increased number of officer shootings. Finally, the data from the body camera study is particularly interesting because it shows that the officers in the study had less complaints and force reports than their non-recorded counterparts. This means that even after all the work the department has put in, LVMPD officers still use some excessive force to do their job. If a little oversight is provided with cameras, the rate of violence can change by a significant percentage.

A body such as the Citizens Review Board with additional powers could increase oversight of officers. The Citizens Review Board is made up of 25 citizens who are not current or former law enforcement officers that have the authority to administer oaths; issue subpoenas to compel the attendance of witnesses to testify before the panel; require the production of books, papers and documents; and issue commissions to take testimony. However, they do not have the power to actually punish the police officer or change police policy.

The police should not be cut out of the disciplinary process rather the disciplinary process needs to be moved outside of the department. The new version of the citizens review board should have police officers on it, in addition to people who are unconnected to the department. There should be a department made up of citizens and police officers who dictate policy and take over the role of the Internal Affairs department. This would hopefully catch bad actors before they commit more serious violations and change policies that aren't working for the citizens or the police.

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